

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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Russell Divincenzo,

Plaintiff,

v.

Synchrony Bank f/k/a GE Capital Retail Bank;  
and DOES 1-10, inclusive,

Defendants/Third-Party Plaintiff,

v.

Susan Divincenzo,

Third-Party Defendant.

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Civil Action No.: 1:14-cv-00741-RJA

**STIPULATION OF DISMISSAL**

WHEREAS, the parties to the above-entitled action have resolved the issues alleged in the complaint in this action, and have negotiated in good faith for that purpose; and

WHEREAS, none of the parties to the above-captioned action is an infant or incompetent person; and

WHEREAS, the parties in the above-captioned action wish to discontinue the litigation;

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel as follows that, pursuant to FRCP 41(a)(1)(A)(ii), the matter of *Russell Divincenzo v. Synchrony Bank f/k/a GE Capital Retail Bank, et al.* is dismissed with prejudice and without costs to any party. Further, pursuant to FRCP 41(a)(1)(A)(i), Synchrony Bank hereby dismisses the third-party action against Susan Divincenzo without prejudice and without costs to any party.

Russell Divincenzo

/s/ Sergei Lemberg

Sergei Lemberg, Esq.

Synchrony Bank f/k/a GE Capital Retail  
Bank

/s/ Geoffrey G. Young

Geoffrey G. Young, Esq.

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Attorney for Defendant

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SO ORDERED

**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2014, a true and correct copy of the foregoing Stipulation of Dismissal was served electronically by the U.S. District Court for the Western District of New York Electronic Document Filing System (ECF) and that the document is available on the ECF system.

By /s/ Sergei Lemberg  
Sergei Lemberg